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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,664	03/08/2001	Ho Soo Lee	YOR920010159US2	4845
30743 7590 07/12/2007 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			EXAMINER BORLINGHAUS, JASON M	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/800,664

Applicant(s)

LEE ET AL.

Examiner

Jason M. Borlinghaus

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/07 has been entered.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter – a machine-readable medium containing code. Claim 30 does not recite that the computer program product comprises a computer readable medium having computer readable program instructions or code embodied thereon and configured to control a computer to perform specific functional steps. The lack of recitation of any execution by a computer of the machine-readable medium results in a claim that recites functionally descriptive material (defined as “data structures and computer programs with impart functionality when encoded on a computer readable medium” by the Computer-Implemented Invention Guidelines)

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without any interrelationships between the data structure and other aspects of the invention that would permit the data structure's functionality to be realized.

The Office suggests preamble language along the lines of "Computer readable medium having instructions, said instructions when executed by a computer cause said computer to perform the following method steps, the method steps comprising...."

### ***Claim Objections***

**Claim 1** is objected to because of the following informalities: missing word. Claim 1 (lines 10 – 11) state "said plurality attributes." Examiner believes that such wording should be "said plurality of attributes." (emphasis added).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1 and 3 - 30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 1, 18, 22 and 30** state "creating a graphical visual interface based on a coordinate system having a plurality of equidistant, parallel axes..." Does the GUI have a plurality of equidistant, parallel axes? Or does the coordinate system upon which the GUI is based upon possess a plurality of equidistant, parallel axes? This confusion

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extends through the remainder of the properties discussed in that claim limitation. Do these properties pertain to the current GUI or the coordinate system upon which the GUI is based upon.

**Claim 12** states "wherein the graphical information is at least one attribute value" However, this is the first mention of "graphical information". Examiner assumes that the Applicant is referencing the displayed image on the graphical user interface.

Dependent claims are rejected based upon their dependency to the above rejected claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 and 3 – 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Friesen (US Patent 6,993,504) in view of Disclosed Prior Art (applicant's specification, pp. 1 – 7 and fig. 1 – 2).

**Regarding Claims 1 and 3 - 18**, Friesen discloses a method of purchasing products (semi-fungible and non-fungible goods) over a network comprising the steps of (see abstract):

- submitting a Request for Quotation (offer) with a plurality of attributes (quantity and value) over the network. (see col. 5, lines 50 – 57);
- receiving a plurality of bids, each of the plurality of bids having values (specified quantity and value) for each of said plurality of attributes. (see col. 5, lines 50 – 57);
- creating a graphical visual interface (single interface) based on a coordinate system having a plurality of equidistant, parallel axes (book axes) with each of the attributes (values and quantity) identified along each of the plurality of equidistant, parallel axes, (marks along the axis) and for each of said plurality of attributes there is a point (icon) which reflects an attribute value for an attribute of each of said plurality of bids. (see abstract; col. 6, line 60 – col. 7, line 25); and
- where each of said plurality of bids is identified by a bid line (value axis) which connects a plurality of points (markers) wherein each point (marker) is associated with an attribute value (such as price) for one attribute of a bid of said plurality of bids. (see abstract; col. 6, line 60 – col. 7, line 25);

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- whereby the graphical user interface (single interface) shows a relationship in a graphical format between attribute values of different attributes (such as price and quantity) of different bids of said plurality of bids in a single display (see abstract; col. 6, line 60 – col. 7, line 25); and
- displaying information pertinent to a selected bid of the plurality of bids. (see abstract; col. 6, line 60 – col. 7, line 25);
- wherein the information is one of a general information (visual representation by placement and icon size) and detailed information (precise value and quantity of order) related to the at least one bid of said plurality of bids. (see abstract; col. 6, line 60 – col. 7, line 25);
- selecting a portion of a bid line (book axis) and retrieving the general or detailed information from a database, the general or detailed information being pertinent to the bid line. (see col. 3, lines 9 – 15);
- wherein the retrieved general information is provided in a window adjacent the bid line (such as a pop-up window). (see col. 7, lines 16 – 20);
- further comprising the steps of creating a display (pop-up window) separate from the graphical visual interface and displaying the detailed information in the separate display. (see col. 7, lines 16 – 20);
- wherein the detailed information is rendered in one of text, image, audio, sound, video, graphs and animation. (see abstract; col. 6, line 60 – col. 7, line 25);

- wherein the information is attribute information (value) associated with one bid line (value axis). (see abstract; col. 6, line 60 – col. 7, line 25);
- further comprising the steps of tagging (highlighting) at least one bid line (book axis) and displaying the tagged (highlighted) at least one bid line (book axis) on the graphical user interface after a selected filtering operation. (see col. 23, lines 40 – 60);
- further comprising the steps of untagging (non-highlighting) the at least one bid line (book axis) and removing the untagged (non-highlighted) from the graphical user interface in response to the selected filtering operation. (see col. 23, lines 40 – 60);
- further comprising the step of displaying a count of bid lines (book axes) associated with the at least one bid (bid or offer icon), the count being displayed on the graphical visual interface. (see col. 2, line 51 – col. 3, line 15);
- further comprising the steps of continuously counting (updating) the number of bid lines and displaying the counted number of bid lines in the graphical visual interface. (see col. 6, lines 36 – 60);
- further comprising the steps of enlarging or reducing a portion of the graphical visual interface. (creating an enlarged book axes illustrating more detail – see col. 2, line 51 – col. 3, line 15);
- wherein the enlarging or reducing steps show portions of bid lines (bid axes). (see col. 2, line 51 – col. 3, line 15); and



- further comprising the step of scrolling the graphical visual interface in a desired direction (through the use of a horizontal and/or vertical scroll bar).  
(see col. 15, lines 13 – 43).

Friesen does not teach that the method is utilized for purchasing services.

Disclosed Prior Art discloses a method of purchasing products and services over a network (Word Wide Web portion of the Internet). (see p. 2, lines 5 – 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Friesen by incorporating the purchasing of services, as disclosed by Disclosed Prior Art, to allow for services, in addition to goods, to be analyzed by the graphic user interface, as disclosed by Friesen, allowing better monitoring and analysis of market participants and activities.

Regarding Claims 19 - 30, such claims recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized. Applicant is reminded that any argument contrary to such an interpretation is an indication of patentably distinct subject matter that may warrant a restriction requirement.

### ***Response to Arguments***

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

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In response to applicant's argument that prior art references, specifically Disclosed Prior Art and Jones, fail to disclose claim limitation(s), Examiner refutes such an assertion as such definition of claim terminology was not articulated in the original specification nor utilized in the previously presented claim(s). As such, the broadest definition for the term and claim limitations was applied as to provide the "broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims." See *In re Prater and Wei*, 162 USPQ 541, 550 (CCPA 1969).

Although the argued elements may be found as examples and/or embodiments in the specification, they were not claimed explicitly in the disputed claim(s). Nor was the terminology used in the disputed claim(s) defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms. Therefore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993) and MPEP §2111.01. Additionally, the Courts have stated that where open-ended examples in the specification are only illustrative, they cannot limit claim terms. *Prima Tek II LLC v. Polypap S.A.R.L.*, 318 F.3d 1143, 1151, 65 USPQ2d 1818, 1823 (Fed. Cir. 2003).

### **Conclusion**

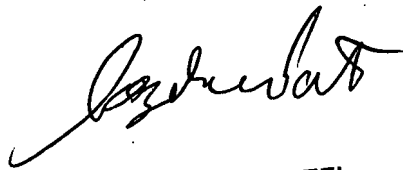
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMB

June 11, 2007



JAGDISH N. PATEL  
PRIMARY EXAMINER